

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 vs.

7 ROSHERRAL BEVERLY,

8 Defendant.
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) Case No. 2:15-cr-00102-KJD-PAL
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) **FINDINGS OF FACT, CONCLUSIONS OF**
) **LAW AND ORDER**
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11 **FINDINGS OF FACT**

12 Based on the Stipulation to Continue Sentencing, and good cause appearing therefore, the
13 Court finds that:

14 1. Counsel for Defendant needs additional time to prepare for sentencing
15 including, but not limited to, researching and preparing a sentencing memorandum and/or obtaining
16 letters of recommendation and/or certificates of achievement for presentation to the Court prior to
17 the sentencing in order to render effective assistance of counsel.

18 2. Defendant is in custody at this time, and does not object to the continuance in
19 this matter.

20 3. That the parties agree to the continuance sought herein.

21 4. Additionally, denial of this request for continuance could result in a miscarriage of
22 justice.

23 5. The additional time requested by this Stipulation is excludable in computing the time
24 within which the sentencing hearing must commence pursuant to the Speedy Trial Act, Title 18,
25 United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States
26 Code, Sections 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

27 6. This is the first request for continuance of the sentencing date.
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1 For all of the above stated reasons, the ends of justice would be best served by a continuance
2 of the sentencing herein requested.

3 **CONCLUSIONS OF LAW**

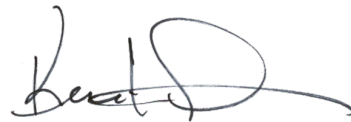
4 The ends of justice served by granting said continuance outweigh the best interest of the
5 public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely
6 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity
7 within which to be able to effectively and thoroughly prepare for sentencing, taking into account the
8 exercise of due diligence.

9 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
10 States Code, Sections 3161(h)(7)(A), considering the factors under Title 18, United States Code,
11 Sections 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

12 **ORDER**

13 **IT IS THEREFORE ORDERED** that the sentencing presently set for July 31, 2018 at 9:00
14 AM, is hereby vacated, and continued to the 19th day of September, 2018, at 9:00 a.m.
15 , a.m. in Courtroom No. 4A.

16 DATED this 19th day of July, 2018.

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UNITED STATES DISTRICT JUDGE